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HON. MARIA E. STRATTON, Presiding
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Second Appellate District, Division Eight;
HON. ELWOOD G. LUI, Administrative
Presiding Justice of the California Court of
Appeal, Second Appellate District, Division
Two; HON. JUDITH ASHMANN-GERST,
Associate Justice of the California Court of
Appeal, Second Appellate District, Division
Two; MELISSA REAL, Deputy Clerk of the
California Court of Appeal, Second Appellate
District; CALIFORNIA COURT OF APPEAL,
SECOND APPELLATE DISTRICT; HON.
MICHAEL J. SHULTZ, Judge of the Superior
Court of California, County of Los Angeles;
HON. BARBARA ANN MEIERS, Judge of
the Superior Court of California, County of Los
Angeles; HON. ROLF M. TREU, Judge of the
Superior Court of California, County of Los
Angeles (Ret.); HON. WILLIAM D.
STEWART, Judge of the Superior Court of
California, County of Los Angeles (Ret.);
SUPERIOR COURT OF CALIFORNIA,
COUNTY OF LOS ANGELES; and
JUDICIAL COUNCIL OF CALIFORNIA

UNITED STATES DISTRICT COURT OF CALIFORNIA
CENTRAL DISTRICT — WESTERN DIVISION

RESHMA KAMATH,

Plaintiff,

v.

JUDITH ASHMANN-GERST, et al.,

Defendants.

Case No. 8:23-cv-02193-SVW-SSC
Judge: Hon. Stephen V. Wilson

REPLY MEMORANDUM IN
SUPPORT OF MOTION TO DISMISS
FIRST AMENDED COMPLAINT

PER ECF 33, MATTER TO BE
TAKEN UNDER SUBMISSION
UPON FILING OF REPLY

1 The Judicial Defendants¹ respectfully submit the following reply
2 memorandum in support of their motion to dismiss the First Amended Complaint
3 (“FAC”) filed by Plaintiff Reshma Kamath (“Plaintiff”).

4 Although difficult to decipher from the FAC, and notwithstanding the
5 outrageous, offensive, and unfounded accusations therein, the crux of the instant
6 U.S.C. § 1983 action is that Plaintiff’s civil rights were violated by alleged racial and
7 gender discrimination she experienced in various court proceedings in multiple
8 lawsuits in the Superior Court of California, County of Los Angeles and the
9 California Court of Appeal, Second Appellate District (“Court of Appeal”). With
10 regard to the Judicial Defendants, Plaintiff’s action arises from language used in
11 opinions issued by Justices Ashmann-Gerst, Lui, and Stratton, (ECF 15 ¶¶ 158, 159,
12 163, 165, 173, 178); *see also Schwartzman v. South Coast Tax Resolution, Inc.*, Case
13 Nos. B314770, B320410, 2023 WL 7969843 (Cal. Ct. App. Nov. 17, 2023); *Czech*
14 *v. Herrera*, Case No. B316020, 2023 WL 7968410 (Cal. Ct. App. Nov. 17, 2023),
15 the manner in which the Court of Appeal’s docket was managed and filings were
16 processed, (ECF 15 ¶¶ 141-142, 144-150, 153-155), and various rulings and in-court
17 comments made by Judges Meiers, Stewart, Shultz, and Treu. (*Id.* ¶¶ 57, 61, 70, 74,
18 187, 414, 447, 465, 493.)

19 On May 1, 2024, the Judicial Defendants moved to dismiss the FAC on
20 numerous grounds, including failure to comply with Federal Rule of Civil Procedure
21

22 ¹ The Judicial Defendants consist of Defendants (1) the Honorable Maria E.
23 Stratton, Presiding Justice of the California Court of Appeal, Second Appellate
24 District, Division Eight, (2) the Honorable Elwood G. Lui, Administrative Presiding
25 Justice of the California Court of Appeal, Second Appellate District, Division Two,
26 (3) the Honorable Judith Ashmann-Gerst, Associate Justice of the California Court
27 of Appeal, Second Appellate District, Division Two, (4) Melissa Real, Deputy Clerk
28 of the California Court of Appeal, Second Appellate District, (5) the California Court
of Appeal, Second Appellate District, (6) the Honorable Michael J. Shultz, Judge of
the Superior Court of California, County of Los Angeles, (7) the Honorable Barbara
Ann Meiers, Judge of the Superior Court of California, County of Los Angeles, (8)
the Honorable Rolf M. Treu, Judge of the Superior Court of California, County of
Los Angeles (Ret.), (9) the Honorable William D. Stewart, Judge of the Superior
Court of California, County of Los Angeles (Ret.), (10) the Superior Court of
California, County of Los Angeles, and (11) the Judicial Council of California.

1 8, judicial and quasi-judicial immunity, the Eleventh Amendment, the *Rooker-*
2 *Feldman* doctrine, and noncompliance with California’s Government Claims Act.
3 (ECF 18 at 2-3, ¶¶ 1-6; ECF 18-1 at 12:23-21:19.) Following multiple extensions
4 granted by the Court totaling roughly two months, (ECF 19, 22, 24), Plaintiff filed
5 an opposition to the motion to dismiss on July 25, 2024. (ECF 28.)

6 Rather than substantively address any of the grounds supporting dismissal of
7 the action against the Judicial Defendants, let alone cite to any legal authorities,
8 Plaintiff uses her opposition as merely another opportunity to disparage the Judicial
9 Defendants. Plaintiff, who is a California licensed attorney, describes Judge Stewart
10 as “disgusting,” “tyran[nical],” “third-rate,” and “mentally-disturbed,” (*Id.* at 3:12-
11 5:4); refers to Judge Meiers as “sadistic” and “abusive,” (*Id.* at 5:4-19); avers Justice
12 Ashmann-Gerst is an “abomination,” “spit-worthy,” “third-class,” “mentally-
13 challenged,” “delusional,” “psychotic,” and that her writing is “shit that she vomited
14 on paper[,]” (*Id.* at 5:21-7:11); alleges that Justice Lui “has ties to the government of
15 the communist Republic of China[,]” (*Id.* at 7:13-8:14); states Justice Stratton is
16 “brainless,” “deranged,” and “operate[s] without proof and without evidence to just
17 determine whatever the hell she wants ...[,]” (*Id.* at 8:16-9:14); labels Clerk Real as
18 an “ass-licker clerk,” “a low-life uneducated notary-turned-clerk,” and “trashy,” (*Id.*
19 at 9:16-10:26); asserts Judge Schultz is “yet another East-Asian and White-ass
20 licker[,]” a “crackpot, hilly-billy red-neck,” a “nincompoop,” and “needs to be in
21 prison,” (*Id.* at 11:1-23); and alleges Judge Treu is “narrow minded,” “tyrannical,”
22 “diabolical[,]” and a “carcass-sucking vulture[.]” (*Id.* at 11:25-12:13.)

23 Not only is Plaintiff’s opposition beyond the pale of an officer of the court, but
24 it also underscores why the State Bar of California was notified of Plaintiff’s conduct
25 in the underlying actions. *Czech*, 2023 WL 7968410, at *4, 5; *Schwartzman*, 2023
26 WL 7969843, at *11; *see also* Cal. Code Judicial Ethics, Canon 3D(2) (requiring
27 judges to “take appropriate corrective action, which may include reporting the
28 violation to the appropriate authority[,]” “[w]henever a judge has personal

1 knowledge,[] or concludes in a judicial decision, that a lawyer has committed
2 misconduct or has violated any provision of the Rules of Professional Conduct[]”);
3 Cal. Rules of Professional Conduct, rule 8.2(a) (prohibiting lawyers from “mak[ing]
4 a statement of fact that the lawyer knows[] to be false or with reckless disregard as
5 to its truth or falsity concerning the qualifications or integrity of a judge or judicial
6 officer[] ...”); Cal. Bus. & Prof. Code § 6068(b) (imposing duty on attorneys “[t]o
7 maintain the respect due to the courts of justice and judicial officers[]”).

8 Regardless, for all of the reasons set forth in the Judicial Defendants’ moving
9 papers, coupled with Plaintiff’s failure to file a substantive opposition to the motion
10 to dismiss, which may be deemed consent to the granting of the motion, *see* L.R. 7-
11 12, the Court should dismiss the action against the Judicial Defendants without leave
12 to amend.

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1 Dated: August 9, 2024

BEST BEST & KRIEGER LLP

2 By: /s/ Matthew L. Green

3 MATTHEW L. GREEN
4 Attorneys for Defendants
5 HON. MARIA E. STRATTON,
6 Presiding Justice of the California
7 Court of Appeal, Second Appellate
8 District, Division Eight; HON.
9 ELWOOD G. LUI, Administrative
10 Presiding Justice of the California
11 Court of Appeal, Second Appellate
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13 JUDITH ASHMANN-GERST,
14 Associate Justice of the California
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16 District, Division Two; MELISSA
17 REAL, Deputy Clerk of the
18 California Court of Appeal, Second
19 Appellate District; CALIFORNIA
20 COURT OF APPEAL, SECOND
21 APPELLATE DISTRICT; HON.
22 MICHAEL J. SHULTZ, Judge of
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24 County of Los Angeles; HON.
25 BARBARA ANN MEIERS, Judge
26 of the Superior Court of California,
27 County of Los Angeles; HON.
28 ROLF M. TREU, Judge of the
Superior Court of California,
County of Los Angeles (Ret.);
HON. WILLIAM D. STEWART,
Judge of the Superior Court of
California, County of Los Angeles
(Ret.); SUPERIOR COURT OF
CALIFORNIA, COUNTY OF LOS
ANGELES; and JUDICIAL
COUNCIL OF CALIFORNIA

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1 Reshma Kamath, et al. v. Ashmann-Gerst, et al.
2 United States District Court, Central District of California,
3 Western Division Case No. 23-cv-02193-SVW-SSC

4 **PROOF OF SERVICE**

5 I, Lisa Atwood, declare:

6 I am a citizen of the United States and employed in San Diego County, California.
7 I am over the age of eighteen years and not a party to the within-entitled action. My
8 business address is 655 West Broadway, 15th Floor, San Diego, California 92101. On
9 August 9, 2024, I served a copy of the within document(s):

10 **REPLY MEMORANDUM IN SUPPORT OF MOTION TO**
11 **DISMISS FIRST AMENDED COMPLAINT**



13 **By Electronic Service.** Pursuant to CM/ECF System, registration as a
14 CM/ECF user constitutes consent to electronic service through the Court's
15 transmission facilities. The Court's CM/ECF system sends an e-mail
16 notification of the filing to the parties and counsel of record who are
17 registered with the Court's EC/ECF system.

18 I declare that I am employed in the office of a member of the bar of this court at
19 whose direction the service was made.

20 Executed on August 9, 2024, at San Diego, California.

21 

22 Lisa Atwood
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27
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